



Entered on Docket
June 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Marlton Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8341] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

1 borrower or from the collateral securing the Marlton Square Loan; and good cause
2 appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8341] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in their entirety
6 since those claims are based entirely upon an investment in the Marlton Square Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker.

Attorneys for USACM Liquidating Trust

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**USACM Trust
Marlton Square
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Marlton Square Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01278	11/10/2006	Arends Family Trust	Joan Arends As Trustee 2310 Aqua Hill Rd Fallbrook, CA 92026	100,000.00	100,000.00
10725-01629	12/8/2006	Baker, Sigfried	8057 Lands End Las Vegas, NV 89117	50,000.00	50,000.00
10725-02320	1/13/2007	Benjamin, Philip & Maureen	Po Box 376 Indian Springs, NV 89018-0376	55,381.90	55,381.90
10725-00191	9/8/2006	Billy Shope Jr Family Lp	*Undeliverable Address* 2833 Maryland Hills Dr Henderson, NV 89052	101,493.06	101,493.06
10725-00195	9/8/2006	Brouwers Family Trust	8040 Vista Twilight Dr Las Vegas, NV 89123	50,746.53	50,746.53
10725-00325	9/28/2006	Cale Family Trust Dtd 11/16/88	C/O Keith J Cale Ttee 6070 Ingleston Dr Unit 1111 Sparks, NV 89436-7082	103,204.00	103,204.00
10725-02432	1/12/2007	Chavez, Roland	5 Falkner Dr Ladera Ranch, CA 92694-0924	50,000.00	50,000.00
10725-01295	11/10/2006	David & Sue Hays Revocable Family Trust	David & Sue Hays Ttee 361 E Delmar Dr Henderson, NV 89015	100,000.00	100,000.00

EXHIBIT A

2361253.1

**USACM Trust
Marlton Square
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Marlton Square Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-01546	12/4/2006	Dcgt FBO Claude M Penchina Roth IRA	74 Rue De Sevres Paris 75007, France	51,692.44	51,692.44
10725-01339	11/10/2006	Fanelli, John J & Gina A	27 Larch St Fitchburg, MA 01420-2009	102,500.00	102,500.00

EXHIBIT A

2361253.1